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IRA FOGELGAREN

GREGORY CALLISTE, JR.

November 30, 2015

VIA ECF

Honorable Arthur D. Spatt
United States District Court
Eastern District of New York
Long Island Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722-4444

Re: Dorsett v County of Nassau, et.al.
Docket No.: CV-10-1258 (ADS)(AKT)

and

Lee v. Incorporated Village of Hempstead, et al.
Docket No.: CV-14-2853

Dear Judge Spatt:

As you are already aware, this office addressed a letter to counsel for Defendants, Liora Ben-Sorek dated November 22, 2015 and advised the County and the Court of my having been served with subpoenas. This letter was in compliance with an obligation previously imposed which gagged my office and our clients in the Dorsett case that has been closed for years now. I recognize and will honor the Court's prior ruling precluding me from disclosing the Internal Affairs Report which details the failures and actions by police that led to the murder of Jo'Anna Bird. While I am obligated to honor the Court's order, I want my position to be clear that I do not and never did agree with the restraint forced on me by the Court. Now that we are some three years after the issuance of the order and the case is long since over, once again I am troubled that the Defendants and the Court are forcing me into secrecy in light of subpoenas issued calling for the County's own findings about the needless death of Jo'Anna Bird. Further, the TRO issued against me under the docket of the Dorsett case places on me the obligation to oppose the Order to Show Cause filed by the Defendants, when I am not a litigant in the case on which the subpoenas have been served, which also references my being found in contempt following my adhering my duty and placing the Defendants and the Court on notice of the service of the demands.

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I should not be required to file any papers in opposition as doing so would place me and the issue at hand at a serious disadvantage. I don't know the facts or circumstances of the Lee case and for me to draft and file papers without that information is both unfair and contrary to my role at this point. I ask that the Court issue a corrected Order recognizing that I gave the notice that I was required to provide and indicating that I have done nothing wrong and am not required to "Show Cause" on any issue at this stage. I am not a party to the Lee action and the issuance of Orders should be on that case not the closed case concerning the death of Ms. Bird. Finally, I believe there comes a time when the truth of what is contained in the Report should be fully disclosed. I think this is that time. The Court should not be in the place of joining actions that could be seen as covering up and hiding from the public information that is important and necessary for their benefit and safety.

We kindly thank the Court for your kind attention to this matter.

Respectfully submitted,



FREDERICK K. BREWINGTON

CC: Liora Ben-Sorek, Esq.(By ECF)

Enclosures